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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

<b>ELISHA SHEPHERD,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
<b>MILTON J. JAKEWAY, and</b>	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	Case No.A01-333 Civil (JKS)
Defendants.	)	
	)	

**OPPOSITION DEFENDANTS' TO MOTION IN LIMINE  
TO ALLOW THE ADMISSION OF EVIDENCE THAT MS. SHEPHERD  
OWNED TWO ADULT VIDEOTAPES**

Elisha Shepherd, through her attorneys, opposes the Defendants' Motion in Limine to Allow the Admission of Evidence that Ms. Shepherd Owned Two Adult Videotapes.

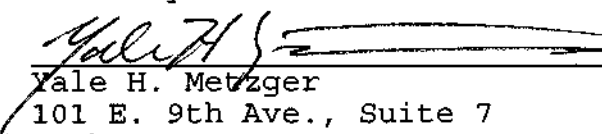
The Defendants seek to offer evidence of the subject video tapes for no other reason than to attack the character of the Plaintiff in contravention of Evidence Rule 404. The Defendants' pretext for offering evidence of two commercially produced video tapes being present at the Shepherd residence is to contradict Ms. Shepherd's claims of her "modesty" and as evidence of whether she "exaggerates" her emotional distress. There is no suggestion by the Defendants that Ms. Shepherd

appeared in these commercially produces adult video tapes. The Defendant's arguments fail because they ignore that Ms. Shepherd's claims of modesty relate to people seeing her undressed - not some unknown actors in adult videos who consented to being viewed in the commercially produced tapes. As such, the presence of any adult video tapes in the Shepherd residence that do not depict Ms. Shepherd have no relationship to her claims of modesty.

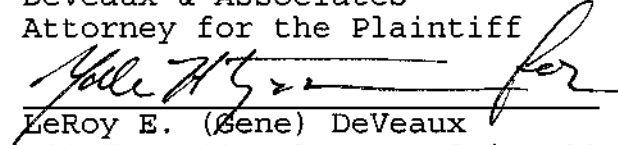
Additionally, the existence of the subject video tapes is not relevant to any other issue in the captioned case, such as exaggeration of emotional distress, and are therefore inadmissible under Evidence Rule 402. Even if the existence of the video tapes is marginally relevant to some remote issue, they are more prejudicial than probative and should be excluded pursuant to Evidence Rule 403.

**DATED** this \_\_\_\_ day of July 2006 at Anchorage, Alaska.

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A true and correct copy of the foregoing was served electronically to the following this 10<sup>th</sup> day of July 2006:

Susan Lindquist, Esq.  
Assistant U.S. Attorney  
Federal Building & U.S. Courthouse  
222 West 7th Avenue, No. 9, Room 253  
Anchorage, Alaska 99513-7567

  
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